

## ELEVENTH DAY

(Monday, September 30, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the following Members were present:

Mr. Speaker	Hunt
Adamson	Hunter
Adkins	Hyder
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	King
Bradford	Knetsch
Broyles	Lanning
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Leonard
Cagle	Lindsey
Caldwell	Lucas
Calvert	Luker
Canon	Mauritz
Celaya	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morrison
Davis	Morse
Dunlap of Hays	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Fox	Pope
Frazer	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Good	Roach of Angelina
Gray	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Harris of Archer	Rogers
Harris of Dallas	Russell
Herzik	Rutta
Hodges	Scarborough
Hofheinz	Sessions
Holland	Shofner
Hoskins	Smith
Huddleston	Stanfield

Steward	Walker
Stinson	Wells
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Wood of Montague
Thornton	Worley
Tillery	Young
Waggoner	Youngblood

## Absent

Atchison	Hardin
Cowley	Hartzog
Davison of Fisher	Hill
Davison	Howard
of Eastland	Keefe
Dickison	Latham
Dunagan	Riddle
Dunlap of Kleberg	Roberts
Ford	Venable

## Absent—Excused

Fitzwater	Lotief
Graves	Padgett
Greathouse	Settle
Head	Spears
Lange	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we are ever in Thy presence and before Thee we live and move and have our beings. May we be good stewards of thy blessings, and use our powers and meet our opportunities of service worthily. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Settle for today, on motion of Mr. Hyder.

Mr. McKinney for today, on motion of Mr. Gibson.

Mr. Head for today, on motion of Mr. Wells.

Mr. Greathouse for today, on motion of Mr. Stanfield.

The following members were granted leaves of absence on account of illness:

Mr. Lotief for today on account of illness in his family, on motion of Mr. Bradbury.

Mr. Spears for today, on motion of Mr. James.

Mr. Fitzwater for today and the balance of the week, on motion of Mr. Roach of Hunt.

## RELATIVE TO HOUSE BILL NO. 7

Unanimous consent of the House was asked that Section 5, of Rule XIX of the House Rules, be suspended at this time for the purpose of recommitting House Bill No. 7, to the Committee on State Affairs.

There was objection offered.

Mr. Gibson moved that Section 5, of Rule XIX of the House Rules, be suspended at this time for the purpose of recommitting House Bill No. 7 to the Committee on State Affairs.

The roll of the House was called on the above motion and the vote announced as follows:

## Yeas—62

Adamson	Jones of Atascosa
Aikin	Jones of Wise
Alexander	King
Bergman	Knetsch
Bourne	Leath
Bradford	Lemens
Broyles	Mauritz
Burton	McCalla
Butler of Karnes	McConnell
Canon	McFarland
Clayton	McKee
Collins	Morrison
Colquitt	Newton
Davis	Olsen
Dwyer	Palmer
Fain	Payne
Fisher	Petsch
Ford	Pope
Frazier	Quinn
Gibson	Reader
Good	Reed of Bowie
Hankamer	Roach of Angelina
Hanna	Russell
Harris of Archer	Scarborough
Harris of Dallas	Smith
Herzik	Stinson
Hodges	Thornton
Holland	Tillery
Hoskins	Waggoner
Hunter	Wood of Harrison
Hyder	Wood of Montague
Jackson	Worley
James	Youngblood

## Nays—33

Alsup	England
Ash	Farmer
Beck	Fox
Bradbury	Glass
Calvert	Hofheinz
Craddock	Huddleston
Crossley	Hunt
Daniel	Jefferson

Jones of Shelby	Roane
Keefe	Rutta
Lindsey	Sessions
Lucas	Shofner
Luker	Stovall
Moffett	Venable
Moore	Walker
Morris	Westfall
Reed of Dallas	

## Present—Not Voting

Jones of Falls

## Absent

Adkins	Hartzog
Atchison	Hill
Butler of Brazos	Howard
Cagle	Lanning
Caldwell	Latham
Celaya	Leonard
Colson	Morse
Cooper	Nicholson
Cowley	Patterson
Davison of Fisher	Riddle
Davisson	Roach of Hunt
of Eastland	Roark
Dickison	Roberts
Dunagan	Rogers
Dunlap of Hays	Stanfield
Dunlap of Kleberg	Steward
Duvall	Tarwater
Fuchs	Tennyson
Gray	Wells
Hardin	Young

## Absent—Excused

Fitzwater	Lotief
Graves	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears

Mr. Hankamer raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Hankamer moved a call of the House for the purpose of securing a quorum and the call was duly ordered.

The roll of the House was then called and the following Members were present:

Adamson	Bergman
Adkins	Bourne
Aikin	Bradbury
Alexander	Bradford
Alsup	Broyles
Ash	Burton
Atchison	Butler of Brazos
Beck	Butler of Karnes

Cagle	King
Caldwell	Knetsch
Calvert	Lanning
Canon	Latham
Celaya	Leath
Clayton	Lemens
Collins	Leonard
Colquitt	Lindsey
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKee
Davison of Fisher	Moffett
Davisson	Moore
of Eastland	Morris
Dickison	Morrison
Dunagan	Morse
Dunlap of Hays	Newton
Dunlap of Kleberg	Nicholson
Duvall	Olsen
Dwyer	Palmer
England	Patterson
Fain	Payne
Farmer	Petsch
Fisher	Pope
Ford	Quinn
Fox	Reader
Frazer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roach of Hunt
Graves	Roane
Gray	Roark
Hankamer	Rogers
Hanna	Russell
Hardin	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Sessions
Hartzog	Shofner
Herzik	Smith
Hill	Stanfield
Hodges	Steward
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Venable
Hyder	Waggoner
Jackson	Walker
James	Wells
Jefferson	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Keefe	Youngblood

Absent	
Roberts	
Absent—Excused	
Fitzwater	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears
Lotief	

A quorum was announced present.

#### BILL RE-COMMITTED

Mr. Calvert moved that Section 5, of Rule XIX, of the House Rules, be suspended at this time for the purpose of recommitting House Bill No. 66, to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—102

Adamson	Holland
Aikin	Huddleston
Alexander	Hunt
Alsup	Hunter
Ash	Hyder
Beck	Jackson
Bergman	James
Bourne	Jefferson
Bradford	Jones of Atascosa
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Karnes	King
Cagle	Knetsch
Caldwell	Lanning
Calvert	Leath
Canon	Lemens
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Cooper	McKee
Craddock	Moffett
Crossley	Moore
Davis	Morris
Dwyer	Newton
England	Nicholson
Fain	Olsen
Farmer	Patterson
Fisher	Payne
Frazer	Petsch
Fuchs	Pope
Gibson	Quinn
Good	Reader
Gray	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Rogers
Herzik	Russell
Hodges	Rutta
Hofheinz	Scarborough

Shofner	Venable
Smith	Waggoner
Stanfield	Walker
Steward	Wells
Stinson	Westfall
Stovall	Wood of Harrison
Tarwater	Wood of Montague
Tennyson	Worley
Thornton	Young
Tillery	Youngblood

## Nays—8

Bradbury	Keefe
Daniel	Lucas
Fox	Luker
Glass	Roane

## Absent

Adkins	Hartzog
Atchison	Hill
Butler of Brazos	Hoskins
Celaya	Howard
Colson	Jones of Falls
Cowley	Latham
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Mauritz
Dickison	Morrison
Dunagan	Morse
Dunlap of Hays	Palmer
Dunlap of Kleberg	Riddle
Duvall	Roberts
Ford	Sessions

## Absent—Excused

Fitzwater	Lotief
Graves	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears

TO GRANT WILLIE N. GOTCHER  
PERMISSION TO SUE THE STATE

Mr. Shofner offered the following resolution:

H. C. R. No. 7, To grant Willie N. Gotcher permission to sue the State.

Whereas, On or about August 29, 1929, Willie N. Gotcher, of Belton, Texas, was employed by the State Highway Department of the State of Texas as a maintainer operator in Bell County, Texas. The State Highway Department on said date owned, and operated and furnished to its employes a 1927 model Reo Speed Wagon together with a driver, Robert B. Brown, for the purpose and duty of conveying said employes of the department to and from work out of the town of Belton. On the morning of August 29,

1929, about twelve miles northeast of Belton, Willie N. Gotcher, while riding to work in the rear of said truck, and while the truck was so being operated and used as a conveyance, received a personal injury when the differential became hot and welded together for the lack of proper and sufficient lubrication and suddenly and unexpectedly stopped to a dead stand still thereby throwing a 55-gallon steel drum filled with gas from the rear end of the truck bed back over said truck onto his foot, and whereas, said Willie N. Gotcher alleges he had no knowledge of the defective and dangerous condition of the truck and was not in charge of same; and

Whereas, As a result of said accident the said Willie N. Gotcher sustained a mangled foot, a serious and permanent injury to his instep, a severe transverse fracture through the neck of the second and third metatarsal bones of his foot, rendering him a permanent-partial loss of the use of said member, and that he alleges that he is not able to perform his usual duties in as satisfactory a manner as prior to the injury, and will always be hindered to a great extent in the performance of any nature of manual labor, and that his earning capacity has been materially and permanently impaired; and

Whereas, The said Willie N. Gotcher has never been compensated by the State of Texas for the injury, or received any damage resulting to him therefrom, and was discharged from the employment of the Highway Department by reason of his injury and inability to perform said duties because of his disability; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Willie N. Gotcher, be and he is hereby granted permission to bring suit against the State of Texas and/or State Highway Department of Texas, to recover his damages in any court of competent jurisdiction in Travis County, Texas, and that service of process shall be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases, and that said cause of action shall not become barred by limitation until two years from the effective date of this act; be it further

Resolved, That the Attorney General and/or the Highway Commission of

the State of Texas, either or both, be and are hereby authorized to compromise or otherwise settle any suit brought as result of this resolution if in the opinion of the Attorney General and/or Highway Commission that the said Willie N. Gotcher is entitled to compensation because of his said injury and damages, if any, and that the Comptroller be, and he is hereby, authorized and instructed to settle same in compliance therewith and charge same against the State Highway fund.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

**TO GRANT MRS. BEULAH MCFARLAND, ET AL., PERMISSION TO SUE THE STATE**

Mr. Shofner offered the following resolution:

H. C. R. No. 6, To grant Mrs. Beulah McFarland, et al., permission to sue the State.

Whereas, On or about June 20, 1929, Robert Baker of Bell County, Texas, an employe of the State Highway Department of Texas, while performing his duties in the manner and under the conditions required of him in the reconstruction of a much used State Highway between Temple and Belton without being furnished protection against injury from the traveling public upon said highway, during the course of the work, received personal injuries, without his fault, when a car driven by another person ran into him mashing him against the rear end of the truck while unloading gravel, from which injuries the said Robert Baker died on July 13, 1929; and

Whereas, The said Robert Baker left surviving him his wife, now Mrs. Beulah McFarland and his father, A. D. Baker and mother, Mrs. Alty Baker of Bell County, Texas, as his heirs and next of kin; and

Whereas, Under the law a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The said Mrs. Beulah McFarland and husband, V. C. McFarland and A. D. Baker and wife, Alty Baker, are desirous to file and prosecute suit against the State of Texas and/or the State Highway Department of Texas to establish their

claims and recover their respective damages against the State of Texas because of the injuries to Robert Baker resulting in his death; and

Whereas, The Legislature desires to grant permission to Mrs. Beulah McFarland and husband, V. C. McFarland, and A. D. Baker and wife, Alty Baker, to file and prosecute suit against the State of Texas and/or the State Highway Department to a final conclusion upon their claim for damages, if any they suffered, in a court of competent jurisdiction in Travis County, Texas, and provide for procedure as to liability and defenses of the State of Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Mrs. Beulah McFarland and husband, V. C. McFarland, and A. D. Baker and wife, Alty Baker, be and they are hereby granted permission to file and prosecute their suit against the State of Texas and/or the State Highway Department to establish their claims and recover their respective damages because of the injury to Robert Baker of Bell County, Texas, resulting in death, in any court of competent jurisdiction in Travis County, Texas, and that said suit shall not become barred until two years from the effective date of this act; and that service of process shall be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases; and that said suit shall be tried and determined in the trial and appellate Courts according to the same rules of law and procedure as to liability and defense of the State of Texas that would be applicable and available if such suit were brought against any private corporation as provided by the laws of the State; be it further

Resolved, That the Attorney General be, and he is hereby, authorized to compromise or otherwise settle any suit filed as result of this resolution, if in the opinion of the Attorney General that either the said Mrs. Beulah McFarland and husband, V. C. McFarland, and A. D. Baker and wife, Alty Baker, are entitled to damages because of the injuries of Robert Baker resulting in death, and that the Comptroller be and he is hereby instructed to comply therewith.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

**INVITING SENATOR MORRIS  
SHEPPARD TO ADDRESS  
THE HOUSE**

Mrs. Moore offered the following resolution:

Whereas, The Honorable Morris Sheppard, Senior United States Senator from Texas, is enroute to Texas; therefore, be it

Resolved, That the House of Representatives invite Senator Sheppard to address the House on any day suited to his convenience.

The resolution was read second time.

Signed—Moore, Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickson, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox of Williamson, Frazer, Fuchs of Washington, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young, and Youngblood.

On the motion of Mr. Quinn (by unanimous consent) the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

**EXTENDING SYMPATHY OF THE  
HOUSE TO HON. W. W.  
FITZWATER**

Mr. Stovall offered the following resolution:

Whereas, The Honorable W. W. Fitzwater, a member of the Forty-fourth Legislature, was taken seriously ill and not able to attend upon this Body in its closing hours; and

Whereas, It comes to the knowledge of the membership of this House that the said W. W. Fitzwater's illness continues and that there is at this time poor prospects of his being able to join us and render his helpfulness to our labors; and

Whereas, He is distressed over his physical condition and the fact that he is not able to attend the duties of his office, as his wish; now, therefore be it

Resolved, That the House of Representatives deplore the fact of the Hon. W. W. Fitzwater's illness and extend to him their sincere wishes for his early and permanent recovery and that he may at an early date join us in our labors, and that the Chief Clerk of the House of Representatives be directed to send to Hon. W. W. Fitzwater copies of this resolution accompanied by flowers in token of the respect and friendship toward him by the membership of this House.

STOVALL,  
CANON,  
McFARLAND,  
JONES of Atascosa,  
DAVIS,  
McCONNELL.

The resolution was read second time, and was unanimously adopted.

**RELATIVE TO MANUFACTURES  
OF MUNITIONS**

Mr. Bradbury offered the following resolution:

Whereas, During the last session of the United States Congress, a Senate investigating committee carried on a series of important investigations of the Munition Manufacturers, and their relations with international affairs. This committee had as its Chair-

man the distinguished Senator, Gerald P. Nye, of North Dakota; and

Whereas, In the course of these investigations, according to their official report, they discovered that many Munition Manufacturers had reaped tremendous profits during peace time, and even larger profits during the time of war, and that said Manufacturers were carrying on such activities as to raise a strong suspicion that they were attempting to prevent peace; and

Whereas, Chairman of said Committee, Gerald P. Nye, has come to the conclusion that drastic steps must be taken to curb the actions of these Munition Manufacturers, and in order to do so profit must be taken out of war; and

Whereas, According to newspaper reports, strife is now brewing among several foreign countries, and this condition makes this indeed a fitting time to commit ourselves in favor of the principle of taking the profit out of war, and to curb the activity of the Munition Manufacturers as it is believed that should such steps be taken it would be a progressive movement to maintain peace; now, therefore, be it

Resolved, That the House of Representatives go on record as approving the principle of taking the profit out of war and approving the stand of Senator Nye on this question, and further approving the investigation of the Nye Committee; and be it further

Resolved, That the Clerk of the House of Representatives send a copy of this resolution to the President of the United States, Secretary of War, and Senator Nye.

The resolution was read second time, and was adopted.

#### RELATIVE TO CERTAIN IMPROVEMENTS OF JUNIOR COLLEGES IN TEXAS

Mr. Tennyson offered the following resolution:

Whereas, The Congress of the United States has appropriated \$4,800,000.00 for the purpose of relieving unemployment in the United States and making various improvements of a needed nature in the various states of the Union; and

Whereas, The President of the United States, Secretary Harold Ickes, and the Honorable Harry L. Hopkins are giving all projects submitted to

them very careful consideration before approval; and

Whereas, Various sections of Texas have made application for P. W. A. loans and grants to make permanent improvements of various building projects; and

Whereas, Several of these projects request improvements of junior colleges in Texas, which will be of outstanding value to the communities where they will be constructed, if approved, and will go toward completing the higher educational systems of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, the First Called Session, That we go on record as approving, in general, projects designed to increase the advantages and facilities of junior colleges in Texas, believing same to be of great benefit to Texas and wherever consistent with the requirements of this Act of the National Congress that they be given favored consideration by Secretary Ickes, Mr. Hopkins and President Roosevelt; and be it further

Resolved, That a copy of this resolution be forwarded immediately by airmail to President Franklin D. Roosevelt, P. W. A. Administrator Harold L. Ickes and Honorable Harry L. Hopkins.

TENNYSON,  
AIKIN,  
SHOFNER,  
McFARLAND,  
HANKAMER,  
WALKER,  
LANGE,  
BUTLER of Brazos,  
CLAYTON,  
LEONARD,  
FUCHS.

The resolution was read second time, and was adopted.

#### REQUESTING GOVERNOR TO SUBMIT CERTAIN SUBJECT

Mr. Farmer offered the following resolution:

Requesting the Governor to submit the question of providing a law to recover valuable mineral rights that belong to the public school fund.

Whereas, It is reputed that there are thousands of acres of land underlaid with valuable mineral resources that belong to the public schools now held by others unlawfully; and

Whereas, These lands are vacancies, unsurveyed lands, made coastal lands, and river beds; and

Whereas, The Attorney General has not sufficient help to prosecute these suits; and

Whereas, These lands are unsurveyed and the Reclamation Service does not have sufficient funds to employ competent surveyors to locate such lands; and

Whereas, The venue for the recovery of these lands in Travis County, and the District Courts of Travis County have over-crowded dockets, and there should be a District Court whose sole work should be the recovery of these lands for the public school fund; now, therefore, be it

Resolved, That the Governor is hereby requested to present this subject for consideration at this Special Session of the Legislature that legislation may be enacted to recover these lands, because the public school fund is being deprived of millions of dollars to which it is justly entitled.

The resolution was read second time.

On motion of Mr. Bradford, the resolution was referred to the Committee on Public Lands and Buildings.

#### BILLS RECOMMITTED

Mr. Reed of Bowie moved that Section 5, of Rule XIX, of the House Rules, be suspended at this time, for the purpose of recommitting House Bill No. 32, to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—118

Adamson	Cooper
Adkins	Cowley
Aikin	Craddock
Alexander	Daniel
Alsup	Davis
Ash	Davison of Fisher
Atchison	Dickison
Beck	Dunagan
Bergman	Dunlap of Hays
Bourne	Duvall
Bradbury	Dwyer
Broyles	England
Burton	Fain
Butler of Brazos	Farmer
Butler of Karnes	Fisher
Cagle	Fox
Calvert	Frazer
Canon	Fuchs
Collins	Gibson
Colquitt	Glass

Gray	Morrison
Hanna	Morse
Hardin	Newton
Harris of Archer	Nicholson
Harris of Dallas	Olsen
Hartzog	Palmer
Herzik	Patterson
Hill	Payne
Hodges	Pope
Hofheinz	Quinn
Holland	Reader
Hoskins	Reed of Dallas
Howard	Riddle
Huddleston	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Roark
Hyder	Rogers
Jackson	Russell
James	Rutta
Jefferson	Scarborough
Jones of Falls	Shofner
Jones of Shelby	Smith
Jones of Wise	Stanfield
Keefe	Steward
King	Stinson
Knetsch	Tarwater
Lanning	Tennyson
Latham	Thornton
Leath	Tillery
Lemens	Venable
Lucas	Waggoner
Luker	Walker
Mauritz	Wells
McCalla	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKee	Worley
Moffett	Young
Morris	Youngblood

#### Absent

Bradford	Hankamer
Caldwell	Jones of Atascosa
Celaya	Leonard
Clayton	Lindsey
Colson	Moore
Crossley	Petsch
Davisson	Reed of Bowie
of Eastland	Roane
Dunlap of Kleberg	Roberts
Ford	Sessions
Good	Stovall

#### Absent—Excused

Fitzwater	Lotief
Graves	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears

Mr. Morrison moved that Section 5, of Rule XIX, of the House Rules, be suspended at this time, for the pur-



pose of recommitting House Bill No. 16, to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—111

Adamson	Jones of Shelby
Adkins	Jones of Wise
Aikin	King
Alsup	Knetsch
Ash	Lanning
Atchison	Latham
Beck	Leath
Bergman	Lemens
Bourne	Lucas
Bradbury	Luker
Broyles	Mauritz
Burton	McCalla
Butler of Brazos	McFarland
Butler of Karnes	McKee
Cagle	Moffett
Canon	Morris
Collins	Morrison
Colquitt	Morse
Cooper	Newton
Cowley	Olsen
Craddock	Palmer
Daniel	Patterson
Davison of Fisher	Payne
Dunagan	Petsch
Dunlap of Hays	Pope
Duvall	Quinn
England	Reader
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Riddle
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Gibson	Rogers
Glass	Russell
Gray	Rutta
Hanna	Scarborough
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Stanfield
Hartzog	Steward
Herzik	Stinson
Hill	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Tillery
Hoskins	Waggoner
Howard	Walker
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Harrison
Hyder	Wood of Montague
Jackson	Worley
James	Young
Jefferson	Youngblood
Jones of Atascosa	

Nays—2

McConnell

Roane

Absent

Alexander	Ford
Bradford	Good
Caldwell	Hankamer
Calvert	Jones of Falls
Celaya	Keefe
Clayton	Leonard
Colson	Lindsey
Crossley	Moore
Davis	Nicholson
Davisson	Roberts
of Eastland	Sessions
Dickison	Stovall
Dunlap of Kleberg	Venable
Dwyer	

Absent—Excused

Fitzwater	Lotief
Graves	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears

Mr. Lemens moved that Section 5, of Rule XIX, of the House Rules, be suspended at this time, for the purpose of recommitting House Bill No. 17, to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—108

Adamson	Fain
Aikin	Farmer
Ash	Fisher
Atchison	Fox
Beck	Fuchs
Bergman	Gibson
Bourne	Glass
Bradbury	Gray
Bradford	Hanna
Broyles	Hardin
Burton	Harris of Archer
Butler of Karnes	Hartzog
Calvert	Herzik
Canon	Hill
Collins	Hodges
Colquitt	Hofheinz
Cooper	Holland
Cowley	Hoskins
Craddock	Howard
Crossley	Huddleston
Daniel	Hunt
Davis	Hyder
Davison of Fisher	Jackson
Dunagan	James
Dunlap of Hays	Jefferson
Duvall	Jones of Shelby
Dwyer	Jones of Wise

King	Riddle
Knetsch	Roach of Angelina
Lanning	Roach of Hunt
Latham	Roark
Leath	Rogers
Lemens	Russell
Lucas	Rutta
Mauritz	Scarborough
McCalla	Shofner
McConnell	Stanfield
McFarland	Steward
Moffett	Stinson
Moore	Stovall
Morris	Tarwater
Morse	Tennyson
Newton	Thornton
Nicholson	Tillery
Olsen	Venable
Palmer	Waggoner
Patterson	Walker
Payne	Wells
Petsch	Westfall
Pope	Wood of Harrison
Quinn	Wood of Montague
Reader	Worley
Reed of Bowie	Young
Reed of Dallas	Youngblood

## Nays—1

Frazer

Present—Not Voting

Alsup

## Absent

Adkins	Hankamer
Alexander	Harris of Dallas
Butler of Brazos	Hunter
Cagle	Jones of Atascosa
Caldwell	Jones of Falls
Celaya	Keefe
Clayton	Leonard
Colson	Lindsey
Davisson	Luker
of Eastland	McKee
Dickison	Morrison
Dunlap of Kleberg	Roane
England	Roberts
Ford	Sessions
Good	Smith

## Absent—Excused

Fitzwater	Lotief
Graves	McKinney
Greathouse	Padgett
Head	Settle
Lange	Spears

MOTION TO RE-REFER HOUSE  
BILL NO. 42

Mr. Hunt moved that House Bill No. 42 be withdrawn from the Committee on State Affairs; and referred to the Committee on School Districts.

The motion was lost.

## MESSAGE FROM THE SENATE

Austin, Texas, September 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 1 ON SECOND  
READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 1, A bill to be entitled, "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

The bill was read second time.

Mr. Morse offered Committee Amendment No. 1, to the bill, which amendment is the printed copy of House Bill No. 1.

(On motion of Mr. Morse, the Committee Amendment was ordered not printed in the Journal.)

Mr. Reed of Dallas offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 1, Page 13, line 11, by adding after the word sale, the words "of liquor" and after the word areas, in the same line, the "if" in place of the word "provided."

Amend committee amendment to House Bill No. 1, Page 13, line 17, by changing the word "permit" to "permits."

Amend committee amendment to House Bill No. 1, Page 18, line 24, by changing the word "court" to the word "course."

Amend committee amendment to House Bill No. 1, Page 23, line 30, by changing the word "owed" to "owned."

Amend committee amendment to House Bill No. 1, page 24, line 30, by adding the word "of" after the word "tax."

Amend committee amendment to House Bill No. 1, page 25, line 3, by adding after the word "fifty" the word "cents."

Amend committee amendment to House Bill No. 1, page 28, by striking out line 33, as it is a duplicate of line 27.

The amendments were severally adopted.

Mr. Moffett offered as a substitute for Committee Amendment No. 1, as offered by Mr. Morse, Committee Amendment No. 1, to House Bill No. 3, which is the printed copy of House Bill No. 3.

(On motion of Mr. Morse, the amendment offered by Mr. Moffett was ordered not printed in the Journal, same having heretofore been printed.)

(Mr. Russell in the Chair.)

Question — Shall the substitute amendment by Mr. Moffett be adopted?

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 16, to the Committee on Liquor Traffic.

#### RECESS

On motion of Mr. Moffett, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Canon was granted leave of absence for this afternoon on account of important business, on motion of Mr. Hodges.

Mr. Lange was granted leave of absence for today on account of import-

ant business, on motion of Mr. Walker.

Mr. Padgett was granted leave of absence for today on account of illness, on motion of Mr. Patterson.

#### RELATIVE TO OLD AGE PENSION

On motion of Mr. Lucas, the following communications were ordered printed in the Journal:

Mr. President

Attention Mr. McIntyre, Secretary Washington, D. C. If the Legislature passed an old age assistance act providing fifteen dollars monthly payments to all persons over sixty years of age rich and poor alike might we expect the Federal government to match dollars with the State on same stop Will greatly appreciate an immediate reply

J. H. LUCAS,  
Member Texas Legislature.

Washington, D. C.,  
September 30, 1935.

J. H. Lucas, Member Texas Legislature, Austin, Texas.

Your telegram to the President referred to us stop Impossible to answer authoritatively your question since board will not organize formally until October 1st stop However my personal opinion is that enactment of law covering everyone over sixty-five would not of itself render Texas ineligible for Federal aid stop However I am not prepared to express opinion whether payments to those not in need may be counted for matching purposes.

MERRILL G. MURRAY,  
Social Security Board.

#### HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 1, relative to the manufacture and sale of intoxicating liquors, on its passage to engrossment;

The bill having been read second time on this morning with committee amendment by Mr. Morse, and substitute amendment by Mr. Moffett for the committee amendment, pending.

Question recurring on the substitute amendment by Mr. Moffett, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

## Yeas—72

Adkins	Lanning
Aikin	Latham
Alexander	Leath
Alsup	Lemens
Atchison	Lindsey
Beck	Luker
Bourne	Mauritz
Bradbury	McConnell
Bradford	Moffett
Broyles	Morris
Burton	Morrison
Cagle	Palmer
Calvert	Petsch
Cowley	Quinn
Craddock	Reed of Bowie
Daniel	Riddle
Davis	Roach of Angelina
Davisson	Roark
of Eastland	Rogers
England	Russell
Fain	Scarborough
Farmer	Sessions
Fisher	Settle
Fox	Shofner
Gibson	Stovall
Glass	Tarwater
Graves	Tennyson
Gray	Tillery
Harris of Archer	Venable
Hodges	Walker
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Youngblood
Keefe	

## Nays—67

Adamson	Hankamer
Ash	Hanna
Bergman	Hardin
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Caldwell	Herzik
Celaya	Hill
Clayton	Hofheinz
Collins	Holland
Colquitt	Hoskins
Colson	Hyder
Crossley	Jackson
Dickison	James
Dunagan	Jefferson
Dunlap of Hays	Jones of Falls
Dunlap of Kleberg	King
Duvall	Knetsch
Dwyer	Leonard
Ford	Lucas
Frazer	McCalla
Fuchs	McFarland
Good	McKee

McKinney	Roach of Hunt
Moore	Roane
Morse	Rutta
Newton	Smith
Nicholson	Spears
Olsen	Stanfield
Padgett	Steward
Patterson	Stinson
Payne	Thornton
Pope	Waggoner
Reader	Young
Reed of Dallas	

## Present—Not Voting

Cooper	Davison of Fisher
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## Absent

Howard	Roberts
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## Absent—Excused

Canon	Head
Fitzwater	Lange
Greathouse	Lotief

## PAIRED

Mr. Cooper (present) who would vote "nay," with Mr. Canon (absent) who would vote "yea."

Mr. Davison of Fisher (present) who would vote "yea," with Mr. Howard (absent) who would vote "nay."

## REASONS FOR VOTE

I am opposed to putting the State of Texas into the liquor business (Moffett plan). I am opposed to the sale of liquor over the bar or by the drink. (Morse plan.) Being forced into a position of voting for the lesser of two evils (Morse or Moffett plan), I believe it is my duty to cast my vote against both plans. In view of my conception of the mandate of the people I could and would vote for private licensed liquor stores limited to sales of unbroken packages.

HYDER.

I vote "yea" on Moffett substitute for House Bill No. 1, for the reason that I believe it can be amended so as to be more acceptable to the people than House Bill No. 1 could ever be.

WALTER E. JONES.

I voted against the Moffett amendment (State Monopoly Plan) because I am opposed to putting the State in the liquor business, and a constitutional amendment will be voted upon

in 1936 as to whether the people of Texas want State monopoly or private license system for liquor distribution. I am opposed to the sale of liquor over the bar by the drink (Morse Plan) because the people of Texas voted on August 24th against the open saloon, and I do not believe whisky can be sold by the drink without operating an open saloon.

I believe the Morse Plan could be amended so as to nearer conform to my ideas of the best solution to the problem of distributing liquor, which is a private license system permitting private sales of unbroken packages.

I think the State should derive its chief liquor revenue from a stamp attached to the package with a very small license fee for retailers. I believe this plan would abolish the boot-legger over night.

J. V. ASH.

#### ADJOURNMENT

Mr. McCalla moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Quinn moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Mr. Hofheinz moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Morse moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Morse, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—71

Adamson	Dunlap of Hays
Alexander	Dunlap of Kleberg
Ash	Duvall
Atchison	Dwyer
Bergman	Ford
Bourne	Frazer
Bradford	Fuchs
Butler of Karnes	Good
Caldwell	Hankamer
Celaya	Hanna
Clayton	Hardin
Collins	Harris of Dallas
Colquitt	Hartzog
Colson	Hill
Cooper	Hofheinz
Crossley	Holland
Dickison	Hoskins
Dunagan	Hyder

Jackson	Pope
James	Reed of Dallas
Jefferson	Roach of Hunt
Jones of Falls	Roane
King	Russell
Leath	Scarborough
Leonard	Settle
McCalla	Smith
McKee	Spears
McKinney	Stanfield
Moore	Steward
Morse	Stinson
Newton	Thornton
Nicholson	Tillery
Olsen	Waggoner
Padgett	Walker
Patterson	Young
Payne	

Nays—66

Adkins	Keefe
Aikin	Knetsch
Alsup	Lanning
Beck	Latham
Bradbury	Lemens
Broyles	Lindsey
Burton	Lucas
Butler of Brazos	Luker
Cagle	Mauritz
Calvert	McConnell
Cowley	Moffett
Craddock	Morris
Daniel	Morrison
Davis	Palmer
Davison of Fisher	Petsch
England	Quinn
Fain	Reed of Bowie
Farmer	Roach of Angelina
Fisher	Roark
Fox	Rogers
Gibson	Rutta
Glass	Sessions
Graves	Shofner
Gray	Stovall
Harris of Archer	Tarwater
Herzik	Tennyson
Hodges	Venable
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Youngblood

Absent

Davisson	Reader
of Eastland	Riddle
Howard	Roberts
McFarland	

Absent—Excused

Canon	Head
Fitzwater	Lange
Greathouse	Lotief

The House, accordingly, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORT

The Committee on Appropriations filed a favorable report on House Bill No. 78.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, September 27, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 4, To grant A. G. Hutton permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, September 27, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 5, To grant W. M. Rousseau permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

#### TWELFTH DAY

(Tuesday, October 1, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Bergman
Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsup	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Cagle

Caldwell	Latham
Calvert	Leath
Clayton	Lemens
Celaya	Leonard
Collins	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKee
Davison of Fisher	McKinney
Davison	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Pope
Fox	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Hartzog	Scarborough
Head	Sessions
Herzik	Shofner
Hill	Smith
Hodges	Spears
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Venable
Jefferson	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Wells
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Keefe	Wood of Montague
King	Worley
Knetsch	Young
Lanning	Youngblood